

**Joint Meeting  
Montgomery County Board of Commissioners  
and the  
Montgomery County Planning Board  
September 30, 2003**

The Montgomery County Board of Commissioners and the Montgomery County Planning Board met in a joint work session on Tuesday, September 30, 2003 at 4:00 p.m. in the commissioners' conference room. The following were present:

*Montgomery County Board of Commissioners:* Chairman Maness, Commissioner Knight, Commissioner Morris, and Commissioner Corbett

*Montgomery County Planning Board:* Chairman McRae, Board Member Wall, Board Member Williams, and Board Member Scarborough

*County Manager:* Lee Matthews

*Clerk:* Laura Morton

*Building Inspections:* Phil Henley

Chairman Maness called the meeting to order and the following was heard:

**Twin Harbor Text Amendment Changes Discussion**

Chairman Maness turned the meeting over to Chairman of the Planning Board, Danny McRae. Mr. McRae asked Mr. Henley to read through the proposed text amendment changes for the campground ordinance. *The proposed changes are as follows:*

**Montgomery County Planning Department  
219 South Main Street  
Troy, NC 27371  
910-572-3304**

**9/23/03**

**Text Amendment:**

**Page 1, Paragraph 1**

**Current:**

For the purpose of this ordinance, all procedures and processes including authority, enforcement, regulations, and penalties shall follow the same guidelines as issued in the Montgomery County Zoning Ordinance. Before a County permit can be issued a permit from a campground must be issued. A detailed drawing must accompany any request.

**Proposed:**

For the purpose of this ordinance, all procedures and processes including authority, enforcement, regulations, and penalties shall follow the same guidelines as issued in the Montgomery County Zoning Ordinance. The local authority having jurisdiction solely makes the interpretation of this ordinance. To obtain a permit from the County Inspection Department all accessory buildings and recreational vehicle units must meet setbacks and campground ordinance. A detailed set of

plans with a material list is to be furnished to the Inspection Department, also a surveyed plat showing the placement of existing accessory structures and recreational vehicle unit on that lot. No permit shall be issued unless a certified labeled recreational vehicle unit is on the lot.

#### **Page 1, Section 1. Definitions**

**The following are proposed definitions to be added:**

Storage Buildings: Storage buildings are an accessory building. They are to be used as storage type uses only. They are not to be used as habitual areas. No utilities such as water or sewer is to be used in a storage building.

Covers/ Pre existing Covers: There shall not be any prefabricated covers of any type over a recreational vehicle unit. Stick built covers are permitted with composition or metal roofing. Where covers are permitted or pre existing, the recreational vehicle unit shall not be enclosed on any side.

Accessory Use: Any building or construction that is secondary to the primary unit. All accessory uses must meet setbacks and should not exceed roof pitch of 4 in 12. No accessory building shall have water or sewer connected, other than a room addition.

#### **Page 3, Section E. Setbacks**

##### **Current:**

Every campsite shall have setbacks of 10 feet from any road, 5 feet from the back line and 5 feet from any side property line. Corner lots must have 10 feet from both road fronts. All RVs, accessory uses and buildings must meet setbacks. Before a permit can be issued for any new construction, the entire lot, including all buildings and accessory uses that are grandfathered must meet the current setbacks.

##### **Proposed:**

Every campsite shall have setbacks of 10 feet from the front property line, 5 feet from the back line and 5 feet from any side property line. Corner lots must have 10 feet from the front property line. All RV's accessory uses and buildings must meet setbacks. Before a permit can be issued for any new construction, the entire lot, including all buildings and accessory uses that are grandfathered must meet the current setbacks.

#### **Page 4, Section M, Paragraph #1**

**The following is proposed to replace current:**

1. No structure shall be occupied unless a certified labeled recreational vehicle unit is on the lot.

#### **Page 4, Section M, Paragraph #2**

**The following is proposed to replace current:**

2. Room Additions: Each recreational vehicle unit is allowed a one story addition, not to exceed a height of 14 feet 8 inches to the peak of the roof, which must be built parallel and beside principle structure. Room additions shall have a maximum width of 12 feet and a maximum length not to exceed the length of the recreational vehicle unit, minus bumpers and tongues. The maximum roof pitch is 4/12. Room additions must be built on a crawl area type foundation. Basements are not allowed in a campground. The room addition cannot be attached to the recreational vehicle unit.

#### **Page 4, Section M, Paragraph #3**

**The following is proposed to replace current:**

3. Decks: Each recreational vehicle unit with or without a room addition may have a deck. The deck may be up to 12 feet wide, and no longer than the recreational vehicle unit, minus the bumper and tongue. Decks shall not be covered either by site built or prefabricated covers, other than a 4 feet by 6 feet total roof area, entrance porch that is allowed. Guardrails shall have a maximum height of 4 feet above the deck floor.

**Page 4, Section M, Paragraph #4**

**The following is proposed to be added:**

4. All metal carports, stickbuilt carports or prefabricated covers. They may be used to cover vehicles, boats or other similar uses. They shall not be used to cover recreational vehicle units, decks, room additions, or other conflicting uses. These type carports or covers shall meet all setbacks, must be detached and shall not be enclosed.

Mr. Henley said after talking with other the other inspectors, he changed his mind about the following:

**Page 4, Section M, Paragraph #4**

**The following is proposed to be added:**

4. All metal carports, stickbuilt carports or prefabricated covers. They may be used to cover vehicles, boats or other similar uses. They shall not be used to cover recreational vehicle units, decks, room additions, or other conflicting uses. These type carports or covers shall meet all setbacks, must be detached and shall not be enclosed.

Commissioner Morris said she went to Twin Harbor and she said before we approve anything we all need to go look. She said they are turning carports into buildings.

Chairman McRae said he doesn't agree with taking it away. He said there is a new board out there and they are trying to do better. If I lived there I would hate not to be able to put by boat or car under a carport. That board wants to upgrade the tax base. Mr. McRae said we need to broad minded in this discussion. He said there are people that need a carport.

Commissioner Morris said a lot of lots there is not enough room. Mr. McRae said we have addressed this some people have corner lots and adjacent lots.

Chairman Maness asked Mr. Henley if it is that difficult to police. Mr. Henley said once they close it in it is. He said attorneys will not touch these cases.

Commissioner Corbett asked Mr. Matthews if he has talked with the tax department about the tax value? Mr. Matthews said yes.

Chairman Maness asked if the carport is a big issue? Chairman McRae said yes. He said they approached us. He said the new board has a new package they have put together to give to new owners with information on what they need to do. This package includes the county ordinance. He said they are trying and they seem sincere. Mr. McRae said it is a booklet of dos and don'ts. There are cases they some don't need carports, but there are people who live out there full time.

Commissioner Morris said whatever we do we need to uphold our employees. Commissioner Corbett said Pete has been threatened. Mr. Henley said yes he has.

Commissioner Knight said if we have no way of enforcing the ordinance, what are we doing here, we are wasting time. He asked if we can cut their water off. Mr. Matthews said he doesn't know if we can legally do that.

Chairman Maness said we should police the ordinances and make people accountable. Mr. Henley said most work is done on the weekends. Chairman Maness said we need the association to help. Commissioner Morris said we may not have a board to stand with us.

Chairman Maness asked what County Attorney Russ Hollers said about this? Mr. Henley said the cases are still on his desk. Mr. Matthews said he would call him.

Mr. Henley said the penalty is a fine or 30 days in jail.

Commissioner Knight said he didn't know we could do what we wanted to in this county.

Chairman Maness asked Mr. Henley if they have problems anywhere else? Mr. Henley said the majority is in Twin Harbor.

Chairman Maness said I have no problem with the carport, but we can't say they can't have a carport if we can't police this. Mr. Maness said we have a good ordinance in place, we just need to make sure we can enforce it.

Planning Board Member Scarborough said it seems that we are going around and around in circles.

Commissioner Corbett suggested a building moratorium for six months.

Commissioner Morris asked if we can make them tear down what they have illegally built? Mr. Henley, Mr. Matthews, and Commissioner Corbett said yes we can.

Chairman Maness said we need contact Attorney Hollers, that is the problem. He said I agree with Commissioner Knight there is no use changing until we have some teeth to back it up with.

Commissioner Corbett said again that he suggests a building moratorium for six months.

Chairman Maness said for all? Chairman McRae and Commissioner Corbett said emergencies only should receive permits.

Commissioner Morris asked what if they build anyway? Chairman Maness said \$5,000 fine and tear it down.

Planning Board Member David Wall said he agrees with moratorium, but we also need talk with Mr. Hollers about following up.

It was a consensus to put a moratorium on building for six months.

Chairman Maness said he wants Mr. Matthews to meet with Attorney Hollers face to face and we need to put him on the work session agenda.

Chairman McRae said to Mr. Matthews that we need to strongly convey the feelings of both boards. If it is because of his work load, we need to hire another attorney just for this. We need to be aggressive.

Chairman Maness instructed Mr. Matthews to call Mr. Hollers in the morning and invited him to the next commissioners' work session and let it be the first item on the agenda.

#### **Grandfathering/Conditional Use Permit**

Mr. Henley said he recommends the special use permit that Davidson County uses, it is only good for two years and it is for R1 and R2 only.

Commissioner Morris said if a trailer burns can it be put back. Mr. Henley said with the special use permit you can and it is good for two years.

Chairman Maness said what if a house was already there previous to zoning and wrong zone, with that be a special use?

Mr. Henley said you can build back in the same print.

Commissioner Corbett said what if a commercial building is being used for a kennel? Mr. Henley said would be fine with a conditional use permit.

Commissioner Morris said my feeling is that if a person buys property, they should be able to do what they want to with it.

Chairman Maness said what kind of timeline?

Commissioner Morris said we should be able to go in and say they can't because of zoning.

Commissioner Corbett said timeline of 25 years. Commissioner Morris said if it is there leave it? Chairman McRae said time has a way of handling situations. He said I am for grandfathering. He said somewhere down the line, a house will be built.

Chairman Maness said you don't think we need a timeline? Chairman McRae said yes.

Chairman Maness asked if we are policing our ordinances? Mr. Henley said the best we can. Chairman Maness asked about County Attorney Hollers and the cases he has been given. Mr. Henley said the cases are on his desk. Chairman Maness told Mr. Matthews we need to talk with Mr. Hollers about this.

Commissioner Corbett said Mr. McRae's point is well taken.

Mr. Henley said what you are saying if a trailer is there before the last zoning it is okay to replace with singlewide or upgrade to a doublewide.

Commissioner Knight asked if we are protecting our people with this?

Chairman McRae said we can always come up with a scenario, but you could ask wasn't the trailer there when you bought it? If you didn't like it you didn't have to buy it.

Mr. Henley said are we talking about using as a permitted use or will it go before the board for approval? Commissioner Morris said that is the reason they did away with conditional use permits, because of the number of them that came up at the meetings. Chairman Maness said he has no problem with the owner replacing it. Commissioner Knight agreed as long as the owner is there.

Chairman Maness said grandfathering is just for the owner. Chairman McRae said this is a scenario, what if the lot is not big enough for the house? Commissioner Knight said go before the Planning Board and asked them what they want you to build on it.

The board discussed the issue of spot zoning.

Commissioner Morris said she agrees with Chairman McRae we need to grandfather anything before the zoning. Chairman McRae said with stipulations. Mr. Henley said we could spill it all out.

Planning Board Member David Wall asked for clarification. He said he has a problem with only granting a conditional use permit for one person. Chairman Maness said he is struggling with the two year period.

Commissioner Knight said we need to deal with this now.

The board discussed problems at Sugar Loaf Shores with zoning.

Commissioner Corbett said he has a problem with the conditional use permit. Mr. Henley said it is a lot of paperwork.

Commissioner Knight said we are trying to do away with zoning through grandfathering.

Chairman McRae said we are trying to protect. He suggested a conditional use permit for life.

Commissioner Knight said we are talking about two years, we need something in concrete. He said we need to separate conditional use permits from grandfathering.

Chairman McRae suggested special use for life of owner before the zoning was put into place. Mr. Henley suggested two year hardship. Commissioner Morris said if we had grandfathering we would not have this mess.

Commissioner Knight said he thought the conditional use would be good for the life of the owner, new owners would have to come in and apply.

Commissioner Knight said the purpose of the grandfather clause is to protect those now.

Commissioner Corbett said he recommends the conditional use permit on an individual case.

Commissioner Knight said to be fair to all grandfather and have conditional use permits.

Planning Board Member David Wall recommended that the original owner be grandfathered and use a conditional use permit for other owners as of the effective date of the change.

Both boards came to this consensus.

Mr. Matthews asked about the special uses in hardship cases from Davidson County. Mr. Matthews said we can incorporate them.

#### **Conditional Use Permit**

The boards discussed going back with conditional use permits temporarily in R-1 and R-2 areas and hardship cases. They agreed this would be on a case by case basis and individuals can come back for renewals.

#### **Age of Mobile Homes**

Mr. Matthews said that legally we have no authority for us to change the date of the mobile homes. It is not legal.

Linda Beaulieu mentioned the county can only regulate the pitch of a roof. It was a consensus to add something about the pitch of a roof.

Chairman Maness said take this to the Planning Board meeting and then let it come back to us. He said we need to make it as strict as possible and it still be legal.

The board of commissioners is to review this at their November meeting.

There being no further business the meeting was adjourned.

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William D. Maness, Chairman

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Laura B. Morton, Clerk to the Board